

Lars H. Olsen
OlsenDaines PC
3995 Hagers Grove Rd. SE
Salem, OR 97317
503-362-9393
lolsen@olsendaines.com

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re

**Joshua Lee Bangs
Kristin Irene Bangs**

Debtor

Kristin Irene Bangs

Plaintiff(s)

vs

**U.S. Department of Education, c/o
Nelnet,**

Defendant

Case No. 19-62483-tmr13

Adv. Proc. No.

COMPLAINT

JURISDICTION AND THE PARTIES

1. Plaintiff, Kristin Bangs, brings this action for the discharge of her federal student loan debt under the “undue hardship” provision set out in 11 U.S.C. § 523(a)(8).
2. Plaintiff filed the underlying case under chapter 13 of the Bankruptcy Code on August 14, 2019. Debtors received their discharge on January 4, 2023. This Court has jurisdiction over this action under 28 U.S.C. § 1334. This proceeding is a core proceeding. Plaintiff consents to the entry of final orders or judgment by the Bankruptcy Court on this matter.

Factual Allegations

3. One of the unsecured debts owing by Plaintiff and listed on Schedule E/F is a student loan owing to Defendant. With accumulated interest, Defendant claims that the amount that was owed on the student loan when this case was filed was \$61,820.53. Proof of Claim #6.
4. Defendant is responsible for the overall operation of the guaranteed student loan program.
5. Plaintiff was unable to complete degree because she gave birth to a child and did not have the time to focus on school as well as a newborn baby. Plaintiff and Husband also had to relocate, so that her husband could take care of his children in Oregon.
6. Plaintiff has worked in the nursing field. She has moved up in the field and obtained a position in management and is now a business office manager

for Amedisys Home Help in Austin, Texas. Her husband also works but has missed work due to a shoulder injury that limits his ability to perform his duties.

7. Plaintiff's long-term financial situation is very unlikely to improve because she has reached the top of her field and earning potential. Her husband has also tapped out his earning potential. Plaintiff and her family incur high living expenses and expect to incur more when their 17-year-old child attends college in the coming years.
8. Plaintiff is not able to pay towards this student loan in the future.
9. Plaintiff has no current available income or resources with which to pay the aforementioned loan and any payments on that loan could be made only at great hardship to the Plaintiff
10. Plaintiff has paid on this student loan to the best of her ability.
11. Excepting the loans from discharge will impose an undue hardship on Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter a Judgment declaring the student loan debt of the Debtor to be dischargeable in the underlying Bankruptcy Case.

January 19, 2023

RESPECTFULLY FILED,

/s/ Lars H. Olsen

Lars H. Olsen, OSB 91387

Attorney for Plaintiff

OlsenDaines